

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EVA DIAZ and FRANKIE DIAZ	:	CIVIL ACTION
as Administrators of the	:	NO. 22-3286
Estate of FRANKIE DIAZ, JR.,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
THE CITY OF PHILADELPHIA,	:	
et al.,	:	
	:	
Defendants.	:	

O R D E R

AND NOW, this **20th** day of **April, 2023**, after considering Plaintiffs' Amended Complaint [ECF No. 18], Defendants' Motion to Dismiss [ECF No. 20], Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss [ECF No. 24], and after a hearing on the record, it is hereby **ORDERED** that Defendants' Motion to Dismiss is **GRANTED**. Count I of Plaintiffs' Amended Complaint is **DISMISSED** as to Defendants Carney and LaCombe, and Count II of Plaintiffs' Amended Complaint is **DISMISSED** in full.

Count I shall proceed against Individual Defendants Nicole Taylor, Denise Wood, Wanda Britford, and John Doe Corrections Officers 4 through 10, as in the normal course of business. A Notice of Initial Pretrial Conference shall issue.

AND IT IS SO ORDERED.

Eduardo C. Robreno

EDUARDO C. ROBRENO, J.